

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Janine Zajac	Team: Team # 1	CCRB Case #: 201001073	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 01/16/2010 8:22 PM	Location of Incident: Troy Avenue & Atlantic Avenue	Precinct: 79	18 Mo. SOL 7/16/2011	EO SOL 7/16/2011	
Date/Time CV Reported Sat, 01/16/2010 10:59 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/25/2010 11:31 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Charne Jimenez	00425	940304	079 PCT
2. SGT William Glynn	00034	932718	079 PCT
3. POM Christopher Dede	07347	938337	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Andrea Simmonds	06897	934182	079 PCT
2. POM Michael Delvalle	06206	936463	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT William Glynn	Force: Sgt. William Glynn pointed his gun at § 87(2)(b)	
B.SGT William Glynn	Discourtesy: Sgt. William Glynn spoke obscenely and/or rudely to § 87(2)(b)	
C.SGT William Glynn	Force: Sgt. William Glynn used physical force against § 87(2)(b)	
D.POM Charne Jimenez	Abuse: PO Charne Jimenez strip-searched § 87(2)(b)	
E.POM Christopher Dede	Abuse: PO Christopher Dede strip-searched § 87(2)(b)	

Case Summary

At 10:59 PM on January 16, 2010, Sgt. William Glynn of the 79th Precinct called IAB to make the following report regarding the arrest of § 87(2)(b) which generated log #10-02702 (encl. 6a-b). § 87(2)(b)'s complaint was received at the CCRB on January 25, 2010 (encl. 7a-b).

At approximately 8:20 PM on January 16, 2010, in the vicinity of Troy Avenue and Atlantic Avenue in Brooklyn, § 87(2)(b) ran away from Sgt. William Glynn and PO Charne Jimenez of the 79th Precinct, and threw a gun while he ran. He was eventually caught and arrested. The following allegations resulted from this incident:

- **Allegation A – Force:** Sgt. William Glynn pointed his gun at § 87(2)(b) § 87(2)(g) § 87(2)(b).
§ 87(2)(b).
- **Allegation B – Discourtesy:** Sgt. William Glynn spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(b).
- **Allegation C – Force:** Sgt. William Glynn used physical force against § 87(2)(b) § 87(2)(b).
- **Allegation D – Abuse of Authority:** PO Charne Jimenez strip-searched § 87(2)(b) § 87(2)(b).
- **Allegation E – Abuse of Authority:** PO Christopher Dede strip-searched § 87(2)(b) § 87(2)(g) § 87(2)(g) § 87(2)(g) § 87(2)(g).
§ 87(2)(g).

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

- § 87(2)(b) *black male, 5'10', 140 lbs, with brown hair and brown eyes. He is a student at § 87(2)(b).*

Medical Statements

The Pre-Hospital Care Report (encl. 8a-b) shows that § 87(2)(b) told EMS, "I got punched in my face." His records from § 87(2)(b) show that his chief complaint was, "I was beaten up by the police" (encl. 8c).

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on February 4, 2010 (encl. 9a-e). § 87(2)(b) § 87(2)(b)'s CCRB statement was consistent with the IAB log narrative except that he originally told PO Dede, who filed the second portion of the IAB complaint, that Sgt. Glynn kicked him in the head. At approximately 8:10 PM on January 16, 2010, § 87(2)(b) and his friend § 87(2)(b) left the Albany housing development and were walking north on Troy Avenue to go home. § 87(2)(b) was wearing a brown leather thigh-length coat with wool on the inside of it, blue jeans, a yellow sweater, and tan construction boots. He had his keys, cell phone, and iPod in his pockets, but could not recall which pockets. § 87(2)(b) did not know § 87(2)(b) last name or contact information, and could not recall what he was wearing. § 87(2)(b) had found a small gun in a tunnel structure on the playground of the housing development and put it in one of his front coat pockets with the intention of trading it in for money. § 87(2)(b) left the playground

immediately after finding the gun. He did not know which pocket it was in, and said that it was not sticking out of the pocket. The gun was smaller than his hand. § 87(2)(b) and § 87(2)(b) did not stop to talk to anyone and did not shake hands with anyone.

§ 87(2)(b) was typing a text message on his phone while he walked when a black four door Buick pulled up next to him. One officer, identified through investigation as Sgt. William Glynn of the 79th Precinct, exited the car. § 87(2)(b) described Sgt. Glynn as a white male, 6'0", in his late 30s, dressed in jeans and a coat of an unknown color. He had an average build. Sgt. Glynn took out his gun and moved it around while pointing it. While Sgt. Glynn did this he said to everyone present, "Nobody move or I'll shoot you in the head." There were a few other people nearby, and they all began to run, including § 87(2)(b) § 87(2)(b) got scared as well and ran. While he ran he removed the gun from his pocket and threw it. He continued to run and did not know where it landed. § 87(2)(b) ran north on Troy Avenue and turned left onto Atlantic Avenue.

Sgt. Glynn chased after § 87(2)(b). He could not recall the exact wording of what Sgt. Glynn said, but knew that it amounted to a threat to shoot him. § 87(2)(b) stopped, got on his knees, put his hands up above his head, and said, "I'm giving up, I'm giving up." He did not struggle against the officers once he stopped running. Sgt. Glynn asked, "You like running?" At some point Sgt. Glynn called § 87(2)(b) a "little stupid motherfucker." Sgt. Glynn put his gun away and then punched § 87(2)(b) in the left side of his face near his eye. § 87(2)(b) said that Sgt. Glynn initially hit him more than once, but then said it was only once, then said again that it was more than once. These initial hits caused § 87(2)(b) to fall all the way to the ground and he landed on his right side. Sgt. Glynn then kicked § 87(2)(b) all over his body and on his head, and § 87(2)(b) tried to cover his head with both of his arms. He could not recall how many times because was dazed.

After Sgt. Glynn began to hit § 87(2)(b) the black police car pulled around the corner and two other officers got out. § 87(2)(b) knew that one of them was PO Charne Jimenez, and the other was determined through investigation to be PO Andrea Simmonds. PO Jimenez, who was the driver of the car, was an overweight white male in his thirties, with a bald head, dressed in jeans. § 87(2)(b) learned his name later when he asked him for his name at the stationhouse. PO Simmonds was a heavy-set black female in her 30s, 5'9" with dark hair pulled back. An officer, he did not know which one, put their foot on the right side of § 87(2)(b)'s face, which caused his face to scrape against the ground where there was glass and rocks. He already had a wound next to his left eye from when Sgt. Glynn first hit him, but this made the wound worse. He also felt a knee on his back holding him down, and he did not move around at this point. § 87(2)(b) thought the female officer may have handcuffed him, but he was not sure. He estimated that the officer's foot was on his head for a minute, and it was removed once he was handcuffed.

More police vehicles, including a paddy wagon and a few marked police vehicles, arrived as § 87(2)(b) was being placed into a car. He did not know what kind of car he was put in, but thought it was the original black car. He did not know which officers took him to the stationhouse. While in the car, § 87(2)(b) asked to call his mother or another relative and asked for medical attention. He was taken immediately to the stationhouse.

Right after they got into the stationhouse, § 87(2)(b) was taken back to the holding cell and strip searched by PO Jimenez and another officer, identified through investigation as PO Christopher Dede. No other prisoners were present. They did not touch him during the strip search. PO Dede was a white male, in his thirties, wearing jeans and an NYPD jacket. He had a slim build, 5'11"-6'0" tall, with dark hair. One of the officers told § 87(2)(b) to take all of his clothes off, and then had him turn around and bend over and squat. The officers did not recover anything during the strip search and told § 87(2)(b) to get dressed. An ambulance was called

for § 87(2)(b) and he was taken to § 87(2)(b). PO Dede went in the ambulance with him, and eventually PO Jimenez, Sgt. Glynn, and PO Simmonds were there as well. All of these officers spoke with officers from IAB, who eventually questioned § 87(2)(b) and took pictures of him. He received five stitches for the wound on his face and x-rays were taken. He was given a prescription for painkillers, and he has been experiencing headaches since the incident. § 87(2)(b) had two black eyes and a blood clot in his left eye. § 87(2)(b) also had swollen bumps on his head from being kicked and punched. He did not notice bruises on his body from when he was kicked.

At the stationhouse, § 87(2)(b) asked PO Jimenez for the names of the other officers involved but PO Jimenez did not supply those names. Instead, PO Jimenez said, “Whatever it is that you think he did to you, I did it.” Another officer in uniform, PO4, told § 87(2)(b) at the stationhouse, “You are lucky, because if it had been me I would have shot you.” PO4 was taller than 6’0”, white male, in his mid-thirties, with medium length brown hair, and he was dressed in uniform. In a follow up phone call, § 87(2)(b) said this officer was not behind the desk, and he did not see him again after he made this comment. § 87(2)(b) said he did not see him clearly, and would not recognize him. § 87(2)(b) was charged with illegal possession of a firearm after officers found the gun that he had thrown. § 87(2)(b) never got his coat back, and when he went to the stationhouse to get it back they said that they did not have it.

NYPD Statements:

Subject Officer: SGT. WILLIAM GLYNN

- § 87(2)(b) -year-old white male, 6’1”, 200 lbs, with brown hair and brown eyes.
- On the date of the incident he worked from 7:26 PM until 4:10 AM as the anti-crime supervisor with PO Jimenez and PO Simmonds. He was dressed in plainclothes and was in an unmarked car.

Memo book

Sgt. Glynn had the following memo book entry pertaining to this incident (encl. 14a-c). At 8:22 PM he wrote that his team had § 87(2)(b) under arrest at the corner of Atlantic Avenue and Troy Avenue for § 87(2)(b) and that he had a loaded firearm.

CCRB Testimony

Sgt. Glynn was interviewed at the CCRB on May 27, 2010 (encl. 13a-c). Sgt. Glynn was in the front passenger seat of the car and PO Jimenez was driving. PO Simmonds was in the backseat. Their car was in motion when Sgt. Glynn saw § 87(2)(b) crossing Pacific Street and walking northbound on Troy Avenue toward Atlantic Avenue. He noticed § 87(2)(b) making furtive movements, such as looking around continually and reaching into his front right pants pocket. He was also walking very quickly, and Sgt. Glynn described him as “hyper-aware” of his surroundings. Sgt. Glynn, as an anti-crime officer, has training regarding body language, and also is familiar with movements that people make when carrying guns based on his own experience. All of these factors suggested to him that he was carrying a gun. In his experience as an anti-crime supervisor, people behaving this way have been armed.

Sgt. Glynn did not recall the officers in the car having a conversation about stopping § 87(2)(b) and did not know exactly when the other officers saw him. PO Jimenez pulled the car over and was closest to § 87(2)(b) so he spoke to him through his window by saying something to the effect of, “Stop, police.” Sgt. Glynn did not remember § 87(2)(b) being with anyone else. None of the officers had the chance to get out of the car, because § 87(2)(b) took one look at the officers and then ran away. Sgt. Glynn got out of the car and followed § 87(2)(b).

§ 87(2)(b) on foot for approximately one block before § 87(2)(b)'s path was blocked by a construction site at Atlantic Avenue and Troy Avenue. While he was running, § 87(2)(b) reached into his front right pants pocket, then took off his jacket and dropped it, and then reached into his front right pants pockets again multiple times. Sgt. Glynn quickly caught up to him. § 87(2)(b) stopped and turned to face Sgt. Glynn, who was fifteen-twenty feet away. Sgt. Glynn had his gun out of the holster. § 87(2)(b) then reached into his pocket, pulled out a gun, which Sgt. Glynn clearly saw and immediately recognized as a gun, and threw it up and behind him so that it landed on a construction bin.

When § 87(2)(b) reached into his pocket, Sgt. Glynn pointed his gun at him while screaming at him repeatedly to get down on the ground. Sgt. Glynn was afraid for his safety and has been trained that if someone has one gun there is a chance they could have more weapons. He yelled at him to get on the ground five or six times. Sgt. Glynn could not recall if § 87(2)(b) said anything. § 87(2)(b) then put both hands up near his face and began to crouch like he was getting onto the ground. Sgt. Glynn did not make physical contact with § 87(2)(b) at this point. PO Jimenez and PO Simmonds then caught up and approached. Sgt. Glynn put his gun away. PO Jimenez and PO Simmonds got close to § 87(2)(b) but he did not see them make physical contact with him at this point. It appeared that he was getting down on the ground and was not going to run or fight, so Sgt. Glynn hoisted himself on top of the construction container, which was 8-10 feet high, to find the gun. While he was up there, he heard the officers below telling § 87(2)(b) repeatedly to give up his hands.

After a few seconds of looking, he saw the gun and left it where it was because he needed to assist with the struggle, and because unless a gun is removed from someone's person, it is collected by the evidence collection unit for processing. Sgt. Glynn got off of the bin so he could assist his officers in subduing § 87(2)(b) who was flailing his arms and legs and trying to get away from the officers. Sgt. Glynn grabbed § 87(2)(b) by the shoulders of his shirt and took him to the ground. He could not remember if § 87(2)(b) landed face down or face up. Sgt. Glynn grabbed one of § 87(2)(b)'s arms with two hands as best as he could and pulled it behind his back.

Together, the three officers were able to get § 87(2)(b)'s hands under control after approximately a minute and handcuff him. Sgt. Glynn did not recall any officers holding § 87(2)(b)'s head down with their feet or kicking him, and he did not do so himself. Neither Sgt. Glynn nor any other officer called § 87(2)(b) a "stupid little motherfucker." § 87(2)(b) was out of breath but did not continue to struggle once he was handcuffed, and Sgt. Glynn did not recall him saying anything once he was subdued. § 87(2)(b) was then sat up and Sgt. Glynn called for another car to come and transport § 87(2)(b) to the stationhouse, though he did not know which officers did so. PO DelValle arrived on the scene at some point and Sgt. Glynn instructed him to help keep the gun secure, but he did not know when he arrived on the scene.

Sgt. Glynn called the evidence collection unit to the scene to get the gun, and then fifteen or twenty minutes later returned to the stationhouse as well. He saw § 87(2)(b) there, and saw that he had a cut over one of his eyes. He did not know specifically how this cut was obtained, but assumed it was during his struggle with PO Jimenez and PO Simmonds. Sgt. Glynn made the decision to call for an ambulance, but he did not know which officers went in the ambulance with him to the hospital. He did not know if PO DelValle was present at the stationhouse. Sgt. Glynn did not suspect § 87(2)(b) of having any other contraband concealed on his person. He did not authorize a strip search, and to his knowledge, no strip search was performed.

Personal Injury Claim Form

The section of § 87(2)(b)'s Personal Injury Claim Form in which the instructions are to describe injury in detail it says, "Cut over left eye (5 stitches), 2 black eyes, bumps on head, cut on cheek" (encl. 10a).

Subject Officer: PO CHARNE JIMENEZ

- § 87(2)(b) -year-old Hispanic male, 5'5., 250 lbs, with brown hair and brown eyes.
- On the date of the incident he worked from 7:30 PM until 4:05 AM with PO Simmonds and Sgt. Glynn, but he worked overtime. He was assigned to Anti-crime and he was dressed in plainclothes, and was assigned to a dark green unmarked Buick.

Memo Book

PO Jimenez had the following entries in his memo book pertaining to this incident (encl. 12a-e). At 8:22 PM he wrote that he had § 87(2)(b) under arrest at the corner of Troy Avenue and Atlantic Avenue. At 8:32 PM he was at the 79th Precinct stationhouse with § 87(2)(b) and was searching and processing him. At 8:40 PM he requested an ambulance for § 87(2)(b) "due to cut to left eyebrow." At § 87(2)(b) § 87(2)(b) was transported to § 87(2)(b) in an ambulance and was escorted by PO Simmonds and PO Dede. Between 9:20 PM and 1:17 PM, PO Jimenez made multiple entries regarding § 87(2)(b)'s arrest processing and the retrieval of evidence from the scene. At 1:30 AM he wrote, "Debriefing § 87(2)(b) refused to write on paper and understood his rights. Spontaneous utterance, "I carry the gun for protection, I have been shot at before on Gates, Albany, and near Atlantic, I don't mean to kill anyone, but I have it for protection. I got the gun today." Between 3:57 AM and 12:58 PM, PO Jimenez made more entries regarding the processing of § 87(2)(b)'s arrest and his subsequent interview with the District Attorney's office.

UF-61 Complaint Report and OLBS Arrest Report

The narrative of the complaint report and the OLBS arrest report (encl. 11a-e) say that § 87(2)(b) § 87(2)(b) was found to be in possession of a loaded gun. They also say that he resisted arrest by flailing his arms, pushing officers, and refusing be handcuffed.

CCRB Testimony

PO Jimenez was interviewed at the CCRB on April 30, 2010 (encl. 13a-c). § 87(2)(g) § 87(2)(b). He and Sgt. Glynn simultaneously suggested stopping § 87(2)(b) and his friend to see what was going on. PO Jimenez had his shield displayed around his neck.

PO Jimenez pulled the car slightly ahead of § 87(2)(b) and his friend, and stopped the car at the corner of Troy and Pacific in the crosswalk. PO Jimenez was closest to them, and he said through his open car window, "How you guys doing? Hold up for me, police, let me see your hands." The intention was to question them, but PO Jimenez did not necessarily suspect that § 87(2)(b) § 87(2)(b) had a gun. PO Jimenez began to get out but did not fully exit the car. Sgt. Glynn got out of the car and walked around the front of it, but did not say anything. § 87(2)(b)'s friend put his hands up and was immediately compliant, but § 87(2)(b) started running north on Troy Avenue. As PO Jimenez drove the car during the pursuit, he remained behind Sgt. Glynn. § 87(2)(b) reached into his front right pants pocket and held onto what was later discovered to be a gun while he ran. He removed his hand but did not remove anything from his pocket. PO Jimenez eventually drove onto the sidewalk and drove for half of a block on it so as to not lose sight of the chase, and then got back into the street and stopped the car in the middle of it. The chase lasted for approximately a block and a half until § 87(2)(b) could not run further due to a construction site. He lost sight of the lower portion of § 87(2)(b)'s body as he lowered

himself to the ground while Sgt Glynn yelled, “Get down! Don’t move!” He did not lose sight of Sgt. Glynn. PO Jimenez did not see when Sgt. Glynn took his gun out.

PO Simmonds got out of the car and ran to where Sgt. Glynn was. She reached § 87(2)(b) first, got on top of him, and began to handcuff him, and PO Jimenez assumed that she had him under control. § 87(2)(b) however, began to resist by flailing his arms. He put his hands down on the ground in front of his chest as though he was trying to get up. PO Jimenez then jumped on top of his torso to assist PO Simmonds, who was near his legs. He did not hold § 87(2)(b) s head down with his foot, and did not make physical contact with § 87(2)(b) s head. PO Jimenez screamed at § 87(2)(b) to give up his hands and to stop resisting. § 87(2)(b) did not comply and continued to struggle, so PO Jimenez hit him on his side with a closed fist to gain compliance. He struck him in the side a couple of times. He hit § 87(2)(b) because he was pushing against him and refusing to be handcuffed. At some point PO Simmonds got up and began to direct traffic because cars were coming toward them. PO Jimenez did not see § 87(2)(b) throw the gun, which was palm-sized, onto the construction container, but assumed that Sgt. Glynn had. Once § 87(2)(b) ran, the officers did not see his friend again.

PO Jimenez sat § 87(2)(b) up and told him to catch his breath while they waited for backup. None of the other units made physical contact with § 87(2)(b) PO Jimenez escorted § 87(2)(b) back to the 79th Precinct stationhouse. He sat in the backseat while a unit from the 77th Precinct transported them in a marked vehicle. PO Jimenez noticed a cut on § 87(2)(b) s face while they were in the patrol car. PO Jimenez brought § 87(2)(b) before the desk and then took § 87(2)(b) to his own cell because he knew an ambulance was coming for him and he did not want him near anywhere else. He was wearing a sweater that needed to be removed during the frisk. He had him take off his shoes and socks, and then had him place his hands against the wall. He then frisked him for weapons but none were found. He was compliant at this point. § 87(2)(b) was not strip-searched. PO Jimenez remained with § 87(2)(b) while they waited for the ambulance and no other officers strip-searched him.

PO Jimenez did not know when § 87(2)(b) sustained the cut on his face, but it could have occurred when he jumped on top of him. He could not recall any specific action that would have caused this injury. PO Simmonds and PO Dede went in the ambulance with § 87(2)(b) PO Dede did not assist in processing § 87(2)(b) s arrest in any way. PO Jimenez returned to the scene after processing § 87(2)(b) s arrest to take photos. The Evidence Collection Team arrived approximately an hour after § 87(2)(b) s arrest to retrieve the gun.

Subject Officer: PO CHRISTOPHER DEDE

- § 87(2)(b) -year-old white male, 5’10”, 190 lbs, with brown hair and brown eyes.
- On the date of the incident he worked from 7:30 PM until 4:05 AM and was assigned to anti-crime with PO Del Valle and they were dressed in plainclothes. They were assigned to RMP 8428.

Memo book

PO Dede had the following entries in his memo book pertaining to this incident (encl. 16a-c). At 8:22 PM he wrote that PO Jimenez had an arrest. At 9:14 PM he wrote, “Transport to hospital with perp, § 87(2)(b) DOB § 87(2)(b).” He included the ACR number and ambulance number. At 12:01 AM he was doing administrative work at the precinct stationhouse in regards to PO Jimenez’s arrest.

CCRB Testimony

PO Dede was interviewed at the CCRB on May 13, 2010 (encl. 17a-b). At approximately 8:20 PM, PO Jimenez, who was also on the anti-crime team that day, called for assistance over

the radio regarding an arrest he was making. PO Dede and PO Del Valle responded to back-up PO Jimenez, and they arrived at 8:22 PM. When they arrived on the scene, § 87(2)(b) was already in handcuffs and was sitting on the ground. He could not recall if there was a supervisor on the scene or which other officers were there already. A member of PO Dede's team, he could not recall who, informed him that § 87(2)(b) had thrown a gun onto the top of a nearby shipping container, which was eight feet tall. PO Dede pulled himself up to look at the top of the crate and saw the gun on top of it. He stood next to the crate to keep the gun secure and make sure no civilians grabbed it. He also assisted in directing traffic. PO Del Valle assisted in securing the gun and directing traffic, as well. PO Dede initially said that an ambulance arrived on the scene and that § 87(2)(b) was transported directly from the scene. He could not recall how long after he arrived that the ambulance came to the scene. PO Dede clarified that he could not recall if § 87(2)(b) was taken to the 79th Precinct stationhouse before he went to the hospital, and was therefore unsure from which location he was taken to the hospital.

PO Dede could not recall what happened between the time he arrived on the scene and being at the hospital with § 87(2)(b) or if he personally accompanied § 87(2)(b) in the ambulance. PO Dede knew that PO Del Valle was at the hospital with him, but he could not recall what other officers, if any, were present. He did not know when he left the hospital. Besides sitting next to § 87(2)(b) at the hospital, he did not have interactions with him there. No other weapons were found on § 87(2)(b) at the hospital, but PO Dede clarified that he did not participate in any search of him.

PO Dede could not recall if he transported § 87(2)(b) to the stationhouse from the hospital, or if § 87(2)(b) came back to the stationhouse at approximately the same time he did, but he knew that § 87(2)(b) was, at some point, at the stationhouse after he was at the hospital. PO Dede did not have interactions with § 87(2)(b) at the stationhouse, but assisted his team members with the arrest processing. PO Dede could not recall if he was present when § 87(2)(b) was searched. He was never in the holding cell area with § 87(2)(b). PO Del Valle assisted in processing § 87(2)(b)'s arrest, but PO Dede could not recall what other officers were present. PO Dede noted in his memo book that Sgt. Glynn was his supervisor that day, but he could not recall if he was present at the stationhouse during the arrest processing. He did not know if § 87(2)(b) was still present at the stationhouse when he ended his tour at 4:05 AM.

Medical Records

§ 87(2)(b)'s medical records from § 87(2)(b) (encl. 20a-q) show that he "was allegedly pushed to the ground by the police." The diagnosis was a contusion of the jaw, and there was no evidence of a fracture. He was given Ibuprofen and his superficial wounds were treated. The emergency physician record shows that § 87(2)(b) had facial trauma and a laceration at his left eyebrow, which was sutured.

NYPD Documents

Command Log

The command log (encl. 21a) shows that § 87(2)(b) was logged in at the 79th Precinct stationhouse at 8:30 PM. He was taken to the hospital at 9:10 PM by PO Dede and PO Simmonds. He returned to the stationhouse at 11:54 PM, and then went to Central Booking at 3:42 PM the next day. No strip search is noted.

Sprint

The Sprint (encl. 22a) confirms § 87(2)(b)'s arrest time of 8:22 PM by Sgt. Glynn's unit, and shows that a unit from the 77th Precinct arrived on the scene at 8:23 PM.

Vouchers

The property vouchers for this incident (encl. 22a-f) show § 87(2)(b)'s vouchered belongings, including a black gun.

Arrest Photo

§ 87(2)(b)'s arrest photo (encl. 23a) shows a bandage covered an area at his left temple. The profile shot appears to show a slight mark on his right cheek.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming personal injury. Damages sought are unknown (encl. 10a).

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

■ [REDACTED]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 5a).

Subject Officers CCRB History

- Sgt. Glynn has been a member of the service for six years and there are two substantiated CCRB allegations against him (encl. 2a-b). He received command discipline regarding a strip-search allegation for case #200605789 and no disciplinary action was taken regarding a frisk allegation in case #200712972.
- PO Jimenez has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 3a).
- PO Dede has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 4a).

Conclusion

Identification of Subject Officers

Sgt. Glynn and PO Jimenez both admitted to interacting with § 87(2)(b) on the date of the incident. PO Dede was identified as the male officer who transported § 87(2)(b) to the hospital by the command log, making him the other officer against whom § 87(2)(b) alleged strip-searched him with PO Jimenez.

Allegations Not Pleaded

Sgt. Glynn and PO Jimenez both stated that they wanted to question § 87(2)(b) based on his actions during their initial observation of him because his actions were consistent with those of a person carrying a gun. However, § 87(2)(b) ran before they were able to ask him anything, and the officers' suspicions were confirmed when § 87(2)(b) was found to be in possession of

a loaded gun. § 87(2)(g) . § 87(2)(b)
alleged that an officer held his face to the ground with his foot, but he did not know which officer this was. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Force: Sgt. William Glynn pointed his gun at § 87(2)(b)

Sgt. Glynn admitted to pointing his gun at § 87(2)(b) once he caught up with him. § 87(2)(g)
§ 87(2)(g)
Sgt. Glynn had his gun out of his holster and pointed it at § 87(2)(b) once § 87(2)(b) reached into his pocket, pulled out a gun, and threw it. Sgt. Glynn was afraid for his safety and has been trained that if someone has one gun there is a chance they will have more weapons. Sgt. Glynn had no way of knowing if § 87(2)(b) had more weapons on his person, and pointed his gun to control the situation. According to *PD v. Gliner* (encl. 1a-b), “The policy of the Department is that an officer can draw his firearm and point it at another person so long as he has a reasonable fear for his own or another's personal safety.” § 87(2)(g)

Allegation B – Discourtesy: Sgt. William Glynn spoke obscenely and/or rudely to § 87(2)(b)

Allegation C – Force: Sgt. William Glynn used physical force against § 87(2)(b)

§ 87(2)(g)
§ 87(2)(b) said that he did not resist once he stopped running, according to Sgt. Glynn and PO Jimenez, § 87(2)(b) continued to struggle against the officers for a number of minutes before they were able to handcuff him. § 87(2)(b)
§ 87(2)(b)'s medical records and arrest photo clearly indicate that he sustained a laceration to the left side of his face that required stitches. § 87(2)(b) alleged that he received the cut when Sgt. Glynn punched him in the face and that it was made worse when an officer, he did not know which, held his face to the ground with their foot. Sgt. Glynn did not know when this injury occurred, but PO Jimenez thought that it may have occurred when he himself jumped on top of § 87(2)(b) in order to subdue him. § 87(2)(g)

Allegation D – Abuse of Authority: PO Charne Jimenez strip-searched § 87(2)(b)

Allegation E – Abuse of Authority: PO Christopher Dede strip-searched § 87(2)(b)

§ 87(2)(b) alleged that PO Jimenez and PO Dede strip-searched him as soon as he arrived at the 79th Precinct stationhouse after the incident. Neither PO Jimenez nor PO Dede admitted to conducting a strip-search of § 87(2)(b) and Sgt. Glynn stated that he did not authorize a strip-search to be conducted, which would have been his responsibility. No strip-search was marked in the command log. § 87(2)(g)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date